

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RAYMOND BROWN,

Plaintiff,

v.

Case No. 07-14955

BLAINE LAFLER, et al.,

HONORABLE AVERN COHN

Defendants.

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ORDER DENYING RECONSIDERATION

This is a pro se prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff, an inmate in the custody of the Michigan Department of Corrections at Ryan Correctional Facility (RCF), claims that Defendants violated his Eighth Amendment right by failing to provide him with timely and adequate medical care following a slip and fall accident on prison grounds.

On June 12, 2009, a magistrate judge issued a Report and Recommendation (MJRR) recommending that summary judgment be granted in favor of Defendants.

Plaintiff filed objections to the MJRR. In his objections, Plaintiff stated, among other things, that he has been granted parole and will be released from prison on September 9, 2009. Plaintiff also requested a continuance so that he can hire an attorney to properly present his case to the Court.

On August 3, 2009, the Court granted Plaintiff's request for a continuance and stayed proceedings "until the earlier of November 1, 2009, or the date on which an attorney enters an appearance on Plaintiff's behalf. Plaintiff shall have 20 days from

such date to file renewed objections to the R&R.” See Order Staying Proceedings, filed August 3, 2009 at p. 2.

Plaintiff took no action until October 28, 2009 when he filed a paper requesting an extension of time to obtain legal counsel. Plaintiff said that the parole board rescinded his release date and delayed his release. He also said he expected to be moved to a re-entry facility in early November and would advise the Court of his new address once moved. Plaintiff gave no indication that he has made efforts to obtain counsel. Instead, he seeks an unspecified amount of time to seek an attorney.

Accordingly, the Court on January 15, 2010 entered an Order Lifting Stay and gave Plaintiff twenty (20) days to supplement his objections to the MJRR.

On January 21, 2010, Plaintiff filed a paper styled “Notice to Present Status of Parole Release Date” in which he says he still does not have a release date and again requests an unspecified amount of time after release to obtain counsel and that his time (presumably for filing objections) be “tolled” during that period. The Court construes the paper as a motion for reconsideration. The motion is DENIED. Under the circumstances as expressed in this and the Court’s January 21, 2010 order, there is no good reason to further delay consideration of the MJRR. Plaintiff’s recent filing fails to convince the Court otherwise.

SO ORDERED.

Dated: January 26, 2010

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

07-14955 Brown v. Lafler, et al
Order Denying Reconsideration

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed to Raymond Brown #428924, Ryan Correctional Facility, 17600 Ryan Road, Detroit, MI 48212 and the attorneys of record on this date, January 26, 2010, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager, (313) 234-5160